

# INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/AU03/01012**

<b>A. CLASSIFICATION OF SUBJECT MATTER</b>												
Int. Cl. <sup>7</sup> : A61F 11/00, A61B 17/56												
According to International Patent Classification (IPC) or to both national classification and IPC												
<b>B. FIELDS SEARCHED</b>												
Minimum documentation searched (classification system followed by classification symbols)												
Refer electronic databases consulted below												
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched												
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)												
DWPI +keywords: implant, bone, cavity, flange, housing and similar terms												
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>												
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.										
X	US 6,427,086 B1 (FISCHELL et al) 30 July 2002 column 34 line 62 to column 35 line 56, figures 27 and 28	1-36, 41, 42										
X	US 6,132,384 A (CHRISTOPHERSON et al) 17 October 2000 column 10 lines 48 to 57, figures 10b and 11b	1-6, 11-16										
A	US 4,904,233 A (HÅKANSSON et al) 27 February 1990 abstract											
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C <input checked="" type="checkbox"/> See patent family annex												
<p>* Special categories of cited documents:</p> <table border="0"> <tr> <td>"A" document defining the general state of the art which is not considered to be of particular relevance</td> <td>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</td> </tr> <tr> <td>"E" earlier application or patent but published on or after the international filing date</td> <td>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</td> </tr> <tr> <td>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</td> <td>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</td> </tr> <tr> <td>"O" document referring to an oral disclosure, use, exhibition or other means</td> <td>"&amp;" document member of the same patent family</td> </tr> <tr> <td>"P" document published prior to the international filing date but later than the priority date claimed</td> <td></td> </tr> </table>			"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention	"E" earlier application or patent but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone	"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art	"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family	"P" document published prior to the international filing date but later than the priority date claimed	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention											
"E" earlier application or patent but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone											
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art											
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family											
"P" document published prior to the international filing date but later than the priority date claimed												
Date of the actual completion of the international search 18 September 2003		Date of mailing of the international search report 13 OCT 2003										
Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. (02) 6285 3929		Authorized officer  <b>SUE THOMAS</b> Telephone No : (02) 6283 2454										

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C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 01/10369 A1 (THE UNIVERSITY OF MELBOURNE) 15 February 2001 Abstract	
A	US 5,814,095 A (MÜLLER et al) 29 September 1998 Abstract, figure 2	
A	US 5,906,635 A (MANIGLIA) 25 May 1999 Abstract	

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### Supplemental Box

(To be used when the space in any of Boxes I to VIII is not sufficient)

#### Continuation of Box No: II

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are different inventions as follows:

1. Claims 1-21 are directed to a medical implant for implantation in a cavity of a bone including an upper surface with a flange member extending outwardly and adapted to abut the surface of the bone surrounding the cavity. It is considered that a flange to abut the surface of the bone comprises a first "special technical feature".
2. Claims 22-36, 41 and 42 are directed to an implantable component and its method of implantation of a tissue stimulating prosthesis including a protective faceplate. It is considered that the faceplate of a tissue stimulating prosthesis comprises a second "special technical feature".
3. Claims 37-40 are directed to a method of implanting a medical implant having a lower conformable surface including the steps of forming or selecting a cavity in the bone and conforming the lower surface of the implant to match the shape of the cavity of the bone. It is considered that an medical implant with lower conformable surface comprises a third "special technical feature".

Since the abovementioned groups of claims do not share any of the technical features identified, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept, *a priori*.

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## Box I Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos :  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos :  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos :  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

## Box II Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

Claims 1-21  
Claims 22-36, 41 and 42  
Claims 37-40

See supplemental box

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☒ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.: 1-42  
It was decided that the fees paid were sufficient to cover all claims.
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☒ The additional search fees were accompanied by the applicant's protest.  
☐ No protest accompanied the payment of additional search fees.

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

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This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report		Patent Family Member			
US 6427086		EP 0911061	EP 1145735	EP 1145736	
		US 6016449	US 6061593	US 6128538	
		US 6134474	US 6230049	US 6354299	
		US 6360122	US 6466822	US 6480743	
		US 6597954	US 2001051819	US 2001056290	
		US 2002002390	US 2002072770	US 2002077670	
		US 2002099412	US 2002169485		
US 6132384		AU 35800/97	CA 2258289	EP 0917485	
		US 6572543	WO 9749454		
US 4904233		SE 8502341			
WO 0110369		AU 62542/00	CA 2378392	EP 1202693	
US 5814095		DE 19638158	DE 19638159	EP 0831673	
		EP 0831674			
US 5906635		US 5558618	US 6161046		
END OF ANNEX					